

REMARKS

The application has been amended to place it in condition for allowance at the time of the next Official Action.

Claims 1 and 3-12 are pending in the application.

Claim 12 is amended to clarify the first and second functions to address the 35 USC 112, second paragraph rejection as to this feature. Claim 12 is further amended to clarify that the simplified form and the expanded form are a small form and a larger form to address the 35 USC 112, second paragraph rejection as to this feature. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 3, 10 and 12 were rejected under 35 USC 103(a) as unpatentable over SCHEIN et al. 6,075,575. That rejection is respectfully traversed.

Claim 1 was previously amended as discussed during the interview of October 15, 2008 to recite pressing a bi-axial button to directly change a function. Such a feature was intended to distinguish over pressing the biaxial button to move a cursor over a function and then pressing an "OK" button to select that function.

However, in order to make such distinction even clearer, claim 1 is amended to recite "pressing the bi-axial button in a first axis to automatically and directly change a function to a selected function" (see page 8, lines 15-19).

Column 5, lines 48-55 of SCHEIN discloses depression of cylinder 24 to select or activate the item when the cursor is contiguous with the item. SCHEIN does not disclose an automatic change of the function.

Moreover, movement of the cursor in the y-direction of SCHEIN is accomplished by scrolling or rolling cylinder 24 (see column 5, lines 12-22. Such scrolling or rolling does not meet the recited pressing the bi-axial button in a first axis.

Accordingly, not only is the process of selecting a function in SCHEIN a two-step process, but also the movement of the control device in SCHEIN is based upon scrolling a cylinder (24). Nowhere does SCHEIN refer to pressing a bi-axial button in a first axis to automatically and directly change a function.

Accordingly, claim 1 and the claims that depend therefrom avoid the rejection under 35 USC §103. Claim 12 is amended along the lines of claim 1 and the analysis above regarding claim 1 is equally applicable to claim 12.

Claims 4-9 were rejected under 35 USC 103(a) as being unpatentable over SCHEIN et al. in view of HIRAKA et al., 6,400,377. That rejection is respectfully traversed.

HIRAKA is only cited with respect to features of the dependent claims. HIRAKA does not overcome the shortcomings of SCHEIN set forth above with respect to claim 1. Rather, HIRAKA also requires a two-step process of selecting using SP1 and activating using SC1. Since claims 4-9 depend from claim 1 and

further define the invention, claims 4-9 are believed patentable over the proposed combination of references.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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